

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

The United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
KML Law Group, P.C. – Rebecca A. Solarz, Esquire  
701 Market Street, Ste. 5000, Phila., PA 19106  
215-627-1322, rsolarz@kmllawgroup.com**DEFENDANTS**MAXCENE SPENCE  
5845 Rodman Street  
Philadelphia, PA 19143County of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

X 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	1 X 1	Incorporated or Principal Place of Business In This State	4 4
Citizen of Another State	2	Incorporated and Principal Place of Business In Another State	5 5
Citizen or Subject of a Foreign Country	3	Foreign Nation	6 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury - Product Liability	422 Appeal 28 USC 158	400 State Reapportionment
130 Miller Act	315 Airplane Product Liability	367 Health Care/	423 Withdrawal 28 USC 157	410 Antitrust
140 Negotiable Instrument	320 Assault, Libel & Slander	Pharmaceutical Personal Injury		430 Banks and Banking
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	Product Liability		450 Commerce
151 Medicare Act	340 Marine	368 Asbestos Personal Injury Product Liability		460 Deportation
X 152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	370 Other Fraud		470 Racketeer Influenced and Corrupt Organizations
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	371 Truth in Lending		480 Consumer Credit
160 Stockholders' Suits	355 Motor Vehicle	380 Other Personal Product Liability		490 Cable/Sat TV
190 Other Contract	360 Other Personal Injury	Property Damage		850 Securities/Commodities/ Exchange
195 Contract Product Liability	362 Personal Injury - Medical Malpractice	385 Property Damage Product Liability		890 Other Statutory Actions
196 Franchise				891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	893 Environmental Matters
210 Land Condemnation	440 Other Civil Rights	Habeas Corpus:	861 HIA (1395f)	895 Freedom of Information Act
220 Foreclosure	441 Voting	463 Alien Detainee	862 Black Lung (923)	896 Arbitration
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	899 Administrative Procedure
240 Torts to Land	443 Housing/ Accommodations	530 General	864 SSID Title XVI	Act/Review or Appeal of Agency Decision
245 Tort Product Liability	445 Amer. w/Disabilities Employment	535 Death Penalty	865 RSI (405(g))	950 Constitutionality of State Statutes
290 All Other Real Property	446 Amer. w/Disabilities Other	Other:		
	448 Education	540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District (specify)	6 Multidistrict Litigation
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1345

**VI. CAUSE OF ACTION**

Brief description of cause:

Enforced Collections

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes  No **VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/25/16

FOR OFFICE USE ONLY

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

Plaintiff

MAXCENE SPENCE

Defendant

CIVIL ACTION NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that the defendants do not agree with the plaintiff regarding said designation, that the defendants shall, with their first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which those defendants believe the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

10/17/2016

Date


Rebecca A. Solarz, Esq.Attorney for Plaintiff, United States of AmericaPennsylvania Attorney I.D. No. 315936Suite 5000 – BNY Independence Center701 Market StreetPhiladelphia, PA 19106-1532(215) 825-6327 (Direct)FAX (215) 825-6443rsolarz@kmllawgroup.com

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case or the purpose of assignment to appropriate calendar.

**Address of Plaintiff:** c/o Suite 5000 – BNY Independence Center, 701 Market Street, Philadelphia, PA 19106-1532

**Address of Defendants:** 5845 Rodman Street Philadelphia, PA 19143

**Place of Accident, Incident or Transaction:** ACTION OF ENFORCED COLLECTIONS  
(Use Reverse Side For Additional Space)

Does this case involve multi-district litigation possibilities?

Yes  No

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court?  
Yes  No

CIVIL. (Place  in ONE CATEGORY ONLY)A. *Federal Question Cases*

1.  Indemnity Contract, Manne contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases

(Please specify) **Foreclosure of property encumbered by a federal mortgage.**

B. *Diversity Jurisdiction Cases:*

1. Insurance contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability – Asbestos
9. All other diversity Cases  
(Please specify)

I, Rebecca A. Solarz, Esq., counsel of record do here by certify:

Pursuant to Local civil Rule 52.2. Section 2©(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Relief other than monetary damages is sought.

DATE: 10/17/16

Attorney-at-Law

(sig)

315936

Attorney i.d.#

**NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 39.**

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/17/16

Attorney-at-Law

(sig)

315936

Attorney i.d.#

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA  
**UNITED STATES OF AMERICA** |  
Plaintiff |  
vs. |  
**CIVIL NO.**  
**MAXCENE SPENCE** |  
Defendants |

**COMPLAINT**

The United States of America, on behalf of its Agency, U.S. Department of Education, by its specially appointed counsel, Rebecca A. Solarz of KML LAW GROUP, P.C., represents as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. 1345.
2. The last-known address of the Defendants, MAXCENE SPENCE ("Defendant") is 5845 Rodman Street, Philadelphia, PA 19143.
3. That the defendant is indebted to the plaintiff in principal amount of \$2,595.90, plus interest of \$5,620.96, for a total of \$8,216.86. A true and correct copy of the Certificate of Indebtedness is attached as Exhibit "A" ("Certificate of Indebtedness").
4. Demand has been made upon Defendant by Plaintiff for the sum due but the amount due remains unpaid.

WHEREFORE, the plaintiff demands judgment against Defendant as follows;

- (A) In the amount \$8,216.86.

(B) Plus filing fee allowed pursuant to 28 U.S.C., Section 1914 in the sum  
of \$150.00.

(C) Interest from the date of judgment at the legal rate of interest in effect  
on the date of judgment until paid in full.

(D) Costs of suit.

Notice is hereby given to Defendant that Plaintiff intends to seek satisfaction of  
any judgment rendered in its favor in this action from any debt accruing.

United States of America by and through  
its specially appointed counsel  
KML Law Group, P.C.

By: \_\_\_\_\_

Rebecca A. Solarz, Esquire  
BNY Independence Center  
701 Market Street  
Suite 5000  
Philadelphia, PA 19106-1532  
(215)825-6327  
[rsolarz@kmllawgroup.com](mailto:rsolarz@kmllawgroup.com)

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

vs.

MAXCENE SPENCE

Defendant

**EXHIBITS**

**“A” CERTIFICATE OF INDEBTEDNESS**

U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

Maxcene Spence  
5845 Rodman St.  
Philadelphia, PA 19143  
Account No. xxx-xx-1617

I certify that U. S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 10/14/16.

On or about 11/28/83 the borrower executed promissory note(s) to secure loan(s) of \$2,500.00 from Germantown Savings Bank (Philadelphia, PA). This loan was disbursed for \$2,500.00 on 11/29/83 at 8.00% interest per annum. The loan obligation was guaranteed by Pennsylvania Higher Education Assistance Agency, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1071 *et seq.* (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 01/15/85, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2,595.90 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 09/23/99, assigned its right and title to the loan to the Department.

Since the assignment of the loan, the Department has credited a total of \$50.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ 2,595.90
Interest:	\$ 5,620.96
Total debt as of 10/14/16:	\$ 8,216.86

Interest accrues on the principal shown here at the rate of \$0.57 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/14/16



Christopher Bolander  
Loan Analyst/Litigation Support